



# **CITY COUNCIL AGENDA**

**OCTOBER 31, 2000**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
CHARLOTTE POWERS  
CINDY CHAVEZ  
VACANT  
MANNY DIAZ

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

FRANK FISCALINI  
GEORGE SHIRAKAWA, JR.  
ALICE WOODY  
JOHN DIQUISTO  
PAT DANDO

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

## **1 CALL TO ORDER AND ROLL CALL**

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**9:35 a.m. - Closed Session, Room 600, City Hall**

**Absent - Council Members: Dando, Diaz, Shirakawa, Jr., Woody (excused).**

**1:33 p.m. - Regular Session, Council Chambers, City Hall**

**Absent - Council Members: Woody (excused).**

## **2 INVOCATION**

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**Pastor Travis Reimer, Lincoln Glen Church, delivered the Invocation.  
(District 9)**

## **3 PLEDGE OF ALLEGIANCE**

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## **4 ORDERS OF THE DAY**

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## **5 CEREMONIAL ITEMS**

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- a. Presentation of a commendation to the Human Resources Department for receipt of the International Personnel Management Association (IPMA) Medium-sized Agency Award for Excellence in Human Resources. (City Manager's Office)

**Mayor Gonzales was joined at the podium by Renee Rungis, President of the Northern California Chapter of the International Personnel Management Association, to present to Nona Tobin, Director of Human Resources, a plaque awarded at the annual IPMA Training Conference in San Francisco on October 17, 2000, recognizing the City of San José's Human Resources Department with the Medium-sized Agency Award for Excellence. In presenting the award, Ms. Rungis cited the City's hiring pilot project, City-wide safety and ergonomics program, and the City's continuing education degree program, as examples of the outstanding achievements of the City's Human Resources Department, under the excellent leadership of Nona Tobin. Mayor Gonzales thanked Ms. Tobin for her leadership and dedication and presented a commendation on behalf of the San José City Council congratulating her for receiving this recognition. Ms. Tobin thanked the Mayor and Council and acknowledged the Human Resources Staff for their contribution to the successful implementation of the Department's program.**

## 5 CEREMONIAL ITEMS

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- b. Presentation of a commendation acknowledging Debra Figone, Assistant City Manager, for 27 years of outstanding service to the City of San José and its residents. (Mayor)
- Joining Mayor Gonzales at the podium was City Manager Del Borgsdorf for presentation of a commendation to Assistant City Manager Debra J. Figone on her departure from the City of San Jose. Mayor Gonzales noted her hard work and commitment to excellence as she assumed positions of increasing responsibility and leadership within the City, as analyst, Assistant Department Personnel Officer, Senior Management Analyst, Interim Director of Emergency Services, Assistant Director and Director of General Services, Acting Deputy City Manager, and Assistant City Manager. He commended her for creating a spirit of commitment among all City employees to provide high quality services to the public, providing leadership in building a responsive organization committed to continuous improvement and excellence and, as Acting City Manager, leading the City's workforce in a seamless provision of services during last year's transition period. Ms. Figone thanked the Mayor and City Council and expressed appreciation to friends and colleagues for their support in the many challenges encountered in her 27 years of service with the City. As she leaves to assumes new challenges as the Town Manager for the Town of Los Gatos, she stated it is with both sadness and gratitude for the opportunities afforded her for both personal and professional growth and for the continual support of the Mayor and City Council and City staff. City Manager Del Borgsdorf stated Ms. Figone has distinguished herself by her professionalism, competence and unparalleled work ethic and his comments were followed by expressions of appreciation from various Council Members for Ms. Figone's dedication, professional work ethic, and her wisdom and graciousness, all of which will be missed, and they wished her well in her new endeavors.**
- c. Presentation of a commendation to the Rosemary Gardens Neighborhood Association on their receiving the BRICC (Building Resourceful, Inspirational, Creative Community) Award from the Community Foundation of Silicon Valley. (Chavez)
- (Rules Committee referral 10/25/00)
- Council Member Chavez joined Mayor Gonzales to present a commendation to members of the Rosemary Gardens Neighborhood Association in recognition of their receiving the BRICC award from the Community Foundation of Silicon Valley in a county-wide competition. Joseph Foto, President, accepted on behalf of the Rosemary Gardens Neighborhood Association members, and thanked Mayor Gonzales and Council Member Chavez for the commendation.**

## **5 CEREMONIAL ITEMS**

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- d. Presentation of a commendation recognizing the 10th anniversary of the Children's Discovery Museum. (Mayor)  
(Rules Committee referral 10/25/00)  
**Mayor Gonzales called to the podium Sally Osberg, Executive Director, and Gaye Landau-Leonard, President of the Board of Directors of the Children's Discovery Museum, for presentation of a commendation in honor of their 10<sup>th</sup> Anniversary. Executive Director Osberg and Board President Leonard accepted the commendation on behalf of the Museum.**

## **6 CONSENT CALENDAR**

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### **a. Minutes for Approval**

- (1) Regular Meeting of September 19, 2000  
**Approved.**
- (2) Joint City Council/Redevelopment Agency Meeting of September 19, 2000  
**Approved.**

### **b. Ordinances for Final Adoption**

- (1) ORD. NO. 26216 – Rezones certain real property situated on the west side of Boynton Avenue, approximately 100 feet northerly of Akron Way (525 Boynton Avenue). PDC 00-05-037  
**Ordinance No. 26216 adopted.**
- (2) ORD. NO. 26217 - Rezones certain real property situated at the westerly side of San Felipe Road, approximately 1000 feet southerly of Yerba Buena Road. PDC 00-05-036  
**Ordinance No. 26217 adopted.**

### **c. Public Hearings Set by Council**

- (1) Adoption of a resolution initiating proceedings and setting a date for Council consideration of the reorganization of territory designated as Buena Vista No. 1 which involves the annexation to the City of San José of 38.0 acres of land, bounded by West San Carlos Avenue, Scott Street, Chiechi Avenue, Meridian Avenue, and both sides of Buena Vista Avenue, and the detachment of the same from the Sunol Sanitary District, Burbank Sanitary District, County Lighting District, and Central Fire District. CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)  
[Deferred from 8/3/99 – Item 6c(1) et al., and 10/17/00 – Item 6c(1)]  
**Deferred to 11/7/00.**

## 6 CONSENT CALENDAR

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### d. Plans and Specifications

- (1) TRACT NO. 9294 – Southeast corner of Almaden Road and Scaletta Drive – Braddock & Logan Group II, L.P., by its General Partner Braddock & Logan Services, Inc., a California Corporation (Developer) – 12 single family detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, and contract for Tract No. 9294. CEQA: ND. District 10. (Public Works)

**Resolution Nos. 69970-69972 adopted.**

- (2) TRACT NO. 9297 - North side of Aborn Road, 82 feet westerly of Towers Lane - Summerhill Aborn LLC, A California limited liability company By: Summerhill Homes LLC, A California liability company, its manager (Developer) - 72 single family detached residential units. Adoption of resolutions approving the plans, final map, contract, and water main extension for Tract No. 9297. CEQA: ND. District 7. (Public Works).

**Resolution Nos. 69973-69976 adopted.**

### e. Contracts/Agreements

- (1) Approval of Contract Change Order No. 4 with N. V. Heathorn, Inc. for FY 97/98 Capital Improvement Program, Settled Sewage Pump Station Motor & Drive Upgrade, extending the term of the agreement from July 23, 1999 to November 30, 2000, and increasing the amount by \$58,535, from \$1,363,333 to \$1,421,868. (Environmental Services)

**Approved.**

- (2) Approval of a first amendment to the consultant agreement with Carollo Engineers for a dry weather Infiltration/Inflow Study, extending the term of the agreement from December 31, 2000 to December 31, 2001, and adjusting the billing rates for professional services with no change in the total contract amount. (Environmental Services)

**Approved.**

- (3) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #16, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

## **6 CONSENT CALENDAR**

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### **e. Contracts/Agreements**

- (4) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Dance Kids, Inc. to teach dance, fitness, and drama classes, increasing the total agreement amount by \$30,000, from \$50,000 to an amount not to exceed \$80,000, for the period January 1, 2000 to December 31, 2000. (Parks, Recreation and Neighborhood Services)

**Resolution No. 69977 adopted.**

**Staff was directed to provide Council with the locations where the program is in place.**

- (5) Report on bids and award of contract for the De Anza Park Playground Renovation Project to the low bidder, Boulder Rock Landscape Construction, to include the base bid and Add Alternate No. 1 in the amount of \$235,178, and approval of a contingency in the amount of \$12,000. CEQA: Exempt. (Public Works)

**Approved.**

### **f. Routine Legislation**

- (1) Approval of a Memorandum of Understanding with San José State University Foundation's Collaborative for Disaster Mitigation, through January 30, 2002, unless terminated earlier by either party, and at no cost to the City. (Emergency Services)

**Approved.**

- (2) Acceptance of the Third Quarter 2000 San José Arena Authority Ticket Distribution Program Report. (San José Arena Authority)

**Approved.**

**END OF CONSENT CALENDAR**

## **7 COMMISSION, COMMITTEE, AND STANDING REPORTS**

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### **a. Report of the Study Session**

**No report.**

### **b. Report of the Rules Committee – October 18, 2000**

**Vice Mayor Fiscalini, Chair**

- (1) Review October 31, 2000 Draft Agenda

**The Committee approved the October 31, 2000 City Council agenda.**

## **7 COMMISSION, COMMITTEE, AND STANDING REPORTS**

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### **b. Report of the Rules Committee – October 18, 2000 (Cont'd.)**

**Vice Mayor Fiscalini, Chair**

- (2) Add New Items to October 24, 2000 Amended Agenda  
**The Committee recommended two additions to the October 24, 2000 City Council agenda.**
- (3) Meeting Schedules  
**The Committee recommended a special Transportation and Environment Committee meeting to be held on November 30, 2000, 2:00 p.m., in Room 204, to hear the Administration's report on the Taxi Cab Task Force recommendations.**
- (4) The Public Record  
**The Committee noted and filed the Public Record.**
- (5) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee  
**There were none.**
- (6) Oral communications  
**None were presented.**
- (7) Adjournment  
**The meeting was adjourned at 2:06 p.m.**

**Rules Committee report and actions of October 18, 2000 accepted.**

### **c. Report of the Finance and Technology Committee**

**Council Member Woody, Chair**

**No report.**

### **d. Report of the Economic and Community Development Committee**

**No report.**

### **e. Report of the Transportation and Environment Committee**

**Council Member Powers, Chair**

**No report.**

### **f. Report of the Education, Neighborhoods, Youth, and Seniors Committee – October 16, 2000**

**Council Member Shirakawa, Jr., Chair**

- (1) Strong Neighborhood Initiative Update  
**The Committee accepted the report.**

## **7 COMMISSION, COMMITTEE, AND STANDING REPORTS**

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**f. Report of the Education, Neighborhoods, Youth, and Seniors Committee – October 16, 2000 (Cont'd.)**

**Council Member Shirakawa, Jr., Chair**

- (2) Youth Commission Monthly Reports for June/August and September 2000  
**The Committee accepted the report.**
- (3) Fire Recruitment Annual Report  
**The committee accepted the report.**
- (4) Annual Report on Library Usage  
**The committee accepted the report.**
- (5) Update on Joint Library Operational Planning and Construction  
**The committee accepted the report.**
- (6) Parks Project Delivery Update  
**The committee accepted the report.**
- (7) Report on San José Public Library Foundation Donations for FY 1999/00  
**The committee accepted the report.**
- (8) Oral petitions  
**None.**
- (9) Adjournment  
**The meeting was adjourned at 2:25 p.m.**

**Education, Neighborhoods, Youth and Seniors Committee report and actions of October 16, 2000, accepted.**

## **8 LAND USE AND DEVELOPMENT**

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- a. PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south west corner of Coleman Avenue and West Hedding Street, from C-1 Commercial Zoning District to A(PD) Planned Development Zoning District, to allow a four-story, 51 room hotel on 0.46 gross acre. (George Nijmeh, Owner; Pinn Bros. Construction, Inc., Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0).

PDC 00-05-046 - District 3

(Deferred from 10/17/00 – Item 15e and 10/24/00 – Item 8c)

**The Planning Commission's recommendation for approval of the subject Rezoning of PDC 00-05-06, and the recommendations in Council Member Chavez's memorandum dated October 31, 2000, were approved. Ordinance No. 26225 was passed for publication.**



## 9 GENERAL GOVERNMENT

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- a. Recommendation of the Parks and Recreation Commission to name a park to be developed at approximately South 19<sup>th</sup> and East William Streets the “Selma Olinder Park.” (City Clerk)  
**Approved.**
- b. (1) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Landrum & Brown to serve as Airport financial feasibility consultant for the Airport Master Plan for the period October 16, 2000 to June 30, 2002 in an amount not to exceed \$500,000 with three (3) one-year options to extend the agreement at the City's sole discretion. (Airport)  
**Resolution No. 69978 adopted.**
- (2) Adoption of a resolution approving the investment banking underwriting pool to be used for the selection of investment banking firms for the period November 1, 2000 to December 31, 2005 to provide investment banking and underwriting services related to the issuance of debt by the City of San José for the Airport Master Plan, with the option of the City to extend the term of the pool based on the status of the financing of the Master Plan Projects. (Finance)  
**Resolution No. 69979 adopted.**
- c. (1) Approval of a seventh amendment to the agreement with USA Waste of California (Districts B and C Single Family) for Integrated Waste Management services to continue the recycling collection pilot programs, extending the term of the agreement by twenty (20) months, from November 1, 2000 to June 30, 2002, and increasing compensation for the pilot programs by \$600,400, from \$633,000 to \$1,233,400.  
**Approved.**
- (2) Approval of a sixth amendment to the agreement with GreenTeam of San José (District A Single Family) for Integrated Waste Management services to continue a recycling collection pilot program, extending the term of the agreement by twenty (20) months, from November 1, 2000 to June 30, 2002, and increasing the compensation for the pilot program by \$191,834, from \$174,000 to \$365,834.  
(Environmental Services)  
**Approved.**
- d. Acceptance of the follow-up report for the 2002 Recycle Plus Program, which forecasts that existing garbage rates can be maintained until FY 2005-06 with the service enhancements contained in the proposals previously approved by Council.  
(Environmental Services)  
**Deferred to 11/7/00.**
- e. Approval of the first amendment to the agreement with Franklin-McKinley School District for the improvement and City use of the community facilities at McKinley Elementary School, increasing payment by \$150,000, from \$935,000 to \$1,085,000, for a term ending June 30, 2014. (Parks, Recreation and Neighborhood Services)  
**Approved.**

## 9 GENERAL GOVERNMENT

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- f. Direction to the City Attorney to draft changes to Chapter 14.22 of the San José Municipal Code to modify certain repayment requirements for eligible property owners under the City's Deferred Assessment Program. (Public Works)

**Approved.**

- g. Adoption of resolutions determining that public use and necessity require the acquisition of portions of real properties and directing the City Attorney to file eminent domain actions to acquire such properties located at:

- (1) 433 & 435 Piercy Road (APN Nos. 678-08-024, & 678-14-045,046), which real property is owned by Tony K. and Eva J. Mellow ("Owner").

**Resolution No. 69980 adopted.**

- (2) 443 Piercy Road (APN No. 678-14-038), which real property is owned by Richard G. & Pauline L. Seebach ("Owner").

**Resolution No. 69981 adopted.**

- (3) 350 Piercy Road (APN No. 678-07-011), which real property is owned by Ann Sebastian, Susan Carter, Robert J. Carter, Tami M. Carter, Margaret C. Carter and Frederick Carter ("Owner").

**Resolution No. 69982 adopted.**

- (4) 451 Piercy Road (APN No. 678-14-037), which real property is owned by Bader S. & Anne Kudsi ("Owner").

**Resolution No. 69983 adopted.**

- (5) 600 Silver Creek Valley Road (APN Nos. 678-14-011), which real property is owned by East of Edenvale LLC ("Owner").

**Resolution No. 69984 adopted.**

- (6) 459 Piercy Road (APN No. 678-14-003), which real property is owned by Teresa Caprista, Trustee ("Owner").

CEQA: Resolution No. 69699. (Public Works)

**Resolution No. 69985 adopted.**

- h. Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with DKS Associates for consultant services for the development of the San José International Airport – Advanced Traffic Management System (SJC-ATMS) Project, in an amount of \$639,000, for the term ending March 31, 2002, and authorizing the Director of Streets and Traffic to extend the term for up to an additional 180 days, if necessary. CEQA: Exempt. (Streets and Traffic)

**Resolution No. 69986 adopted.**

## 9 GENERAL GOVERNMENT

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i. Adoption of a resolution:

- (1) Approving business terms for loans aggregating up to \$1,000,000 to Neighborhood Housing Services Silicon Valley to assist in the acquisition, rehabilitation, and resale of properties in connection with the Mayfair Neighborhood Acquisition/Rehabilitation Pilot Program.
- (2) Approving business terms for converting up to \$1,000,000 of the loan to NHSSV to finance second mortgages for qualified moderate-income households.
- (3) Authorizing the Director of Housing to negotiate and execute a contract with NHSSV for acquisition and loan financing services, for a contract amount not to exceed \$100,000.
- (4) Authorizing the Director of Housing to approve loans resulting in a combined loan to value ratio of up to 120% of after rehabilitation value.
- (5) Authorizing as an exception to current policy, incomes of up to 120% of area median income, by household size, as qualifying for home-purchase assistance in conjunction with the Pilot Program.
- (6) Finding that the use of 20% Housing Funds to capitalize the Mayfair Acquisition Rehabilitation Pilot Program and to underwrite expenses by NHSSV to administer the program are a benefit to redevelopment project areas in San Jose.
- (7) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.

(Housing)

(Deferred from 10/24/00 – Item 9d)

**Deferred to 11/7/00.**

j. Adoption of a resolution amending the City's Pay Plan to create new job classifications, revising salary ranges and authorizing the City Manager to establish compensation rates for new classifications. (Human Resources)

(Deferred from 10/24/00 – Item 9e)

**Resolution No. 69987 adopted.**

**Council directed Staff to include the relevant elements of the Class/Comp Study in the next milestone discussions of the IIR process for Council discussion.**

- k.
- (1) Approval of the consultant's final report entitled "City of San José, California, Tow Company Rate Study" dated May 24, 2000.
  - (2) Direction to staff to prepare the analysis for a Request for Proposal (RFP) which would include:
    - (a) Revision of two (2) zones.
    - (b) Revised rate structure including a proportionate model based on a fixed return to the City and the City's revenue requirements.
    - (c) An updated survey of comparable cities' rates and services provided.

(Planning, Building and Code Enforcement)

(Deferred from 10/24/00 – Item 9f)

**Deferred to 11/7/00.**

## **9 GENERAL GOVERNMENT**

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- l. Adoption of a resolution:
    - (1) Increasing the City loan from \$5,980,000 to \$6,980,000 to Bascom HACSC Associates, a California Limited Partnership, or its designated partnership, for the development of a 125-unit housing project with 124 units affordable to very low-income households and one unrestricted unit on a 2.79-acre site located at 2555 and 2561 South Bascom Avenue.
    - (2) Approving business terms for a construction loan of up to \$6,980,000 and a permanent loan of up to \$7,370,000 for the project.
- (Housing)  
(Rules Committee referral 10/25/00)  
**Resolution No. 69988 adopted.**

## **10 FISCAL AFFAIRS**

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## **11 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS**

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## **12 PERMITS AND LICENSES**

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## **13 PUBLIC SAFETY AND WELFARE**

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## **14 CLOSED SESSION REPORT**

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## **15 ORAL COMMUNICATIONS**

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**HEARD JOINTLY WITH REDEVELOPMENT AGENCY PUBLIC DISCUSSION**  
**Ross Signorino spoke about the contributions that Assistant City**  
**Manager Debra J. Figone made to the City of San José in her years of**  
**service.**

## **16 ADJOURNMENT**

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**The Council of the City of San José adjourned at 2:21 p.m., to a Joint Meeting with**  
**the Redevelopment Agency.**

**The following resolution was adopted at the Joint City Council/Redevelopment Agency meeting on Tuesday, October 24, 2000:**

**8b Report on the status of the Marriott Hotel City Center Disposition and Development Agreement with Walton San José Investors III, LLC, and adoption of resolutions by the City Council and Agency Board:**

- (1) Authorizing the Executive Director to negotiate and execute a Redevelopment Agency Consent and Agreement amending the Disposition and Development Agreement by and between the Redevelopment Agency of the City of San José and Walton San José Investors III, LLC; and**
- (2) Authorizing the City Manager to negotiate and execute a City Consent and Agreement amending the Parking Pre mises Agreement by and between the City of San José and Walton San José Investors III, LLC, and authorizing the City Manager and the Executive Director to negotiate and execute a Reciprocal Easement Agreement by and among the City of San José, the Redevelopment Agency of the City of San José, and Walton San José Investors III, LLC; and**
- (3) Authorizing the Executive Director to extend the date for the Developer to cure its default for failure to close escrow to October 27, 2000, extend the date for commencement of construction to not later than ten (10) days after close of escrow and approve termination of the DDA if escrow is not in condition to close by October 27, 2000.**

**Resolution No. 69956.1 adopted.**

**Redevelopment Agency Board Resolution adopted.**

**The following resolution was adopted at the Joint City Council/Redevelopment Agency meeting on Tuesday, October 31, 2000:**

**8a Adoption of resolutions:**

- (1) By the City Council and Agency Board approving the addition of \$150,000 in Agency funding for the FY 2000-2001 Capital Budget Transportation Planning project in the Merged Area from the Capital Reserve; and,**
- (2) By the Agency Board amending the FY 2000-2001 Agency Appropriation Resolution to accept \$150,000 from the City for transportation planning services; and,**
- (3) By the Agency Board approving an agreement with Parsons Transportation Group, in the amount of \$300,000, for transportation consulting services related to the Greater Downtown Redevelopment Strategy.**

**[MERGED] (Deferred 10/24/00, Item 8a)**

**The Staff recommendation dated October 24, 2000 was approved, as amended to increase the amount of the agreement in Item 8a(3) to \$325,000, and with the direction to Staff in the memorandum by Mayor Gonzales and Council Member Chavez dated October 31, 2000.**

**Resolution No. 69989 adopted.**

**Redevelopment Agency Board Resolution adopted.**